

Alabama State Bar Client Security Fund Rules

Rule 3.

Applications for reimbursement.

The Committee shall prepare a form of application for reimbursement.

A. The form shall be sworn to and executed under penalty of perjury and shall require, as minimum information:

- (a) The name and address of the lawyer.
- (b) The amount of the alleged loss.
- (c) The date or period of time during which the alleged loss was incurred.
- (d) The date upon which the alleged loss was discovered.
- (e) The name and address of the applicant.
- (f) A general statement of facts relative to the application.
- (g) A statement that the applicant has read these Rules and agrees to be bound by them.
- (h) A statement that the loss was not covered by any insurance, indemnity or bond, or if so covered, the name and address of the insurance or bonding company, if known, and the extent of such coverage and the amount of payment, if any, made.
- (i) A statement that the applicant agrees that the result of the investigation together with all evidence in connection therewith shall remain confidential except as otherwise provided herein.
- (j) Said application shall either be typewritten or printed. If not legible, it shall be forthwith returned to the applicant.
- (k) The form or application shall contain the following statement in bold type:

“IN ESTABLISHING THE CLIENT SECURITY FUND, THE ALABAMA STATE BAR DID NOT CREATE NOR ACKNOWLEDGE ANY LEGAL RESPONSIBILITY FOR THE ACTS OF INDIVIDUAL LAWYERS IN THE PRACTICE OF LAW. ALL REIMBURSEMENTS OF LOSSES BY THE CLIENT SECURITY FUND SHALL BE A MATTER OF GRACE IN THE SOLE

DISCRETION OF THE COMMITTEE ADMINISTERING THE FUND AND NOT AS A MATTER OF RIGHT. NO CLIENT OR MEMBER OF THE PUBLIC SHALL HAVE ANY RIGHT IN THE CLIENT SECURITY FUND AS A THIRD PARTY BENEFICIARY OR OTHERWISE.”

C. Applications shall be addressed to the office of the Alabama State Bar at P.O. Box 671, Montgomery, Alabama 36101, and shall forthwith be transmitted to the Committee.

D. All applications shall be filed no later than three (3) years after the applicant knew or should have known of the reimbursable loss as defined. However, the filing of a grievance with the Disciplinary Commission, Disciplinary Board, or General Counsel shall toll the statute of limitations during the period in which the grievance is pending, but in no event shall an application be filed later than six (6) years after the applicant knew or should have known of the reimbursable loss.

E. The Committee shall cause a copy of the application to be served upon the lawyer or his personal representative, in the event the attorney is deceased, by certified mail, return receipt requested.

[Amended eff. 1-14-2011.]

Note from the reporter of decisions: The order amending the Alabama State Bar Client Security Fund Rules, effective January 14, 2011, is published in that volume of the *Alabama Reporter* that contains Alabama cases from __ So. 3d.